

RESPONSE UNDER 37 C.F.R. §1.116 EXPEDITED PROCEDURE

ART UNIT 1611

## TED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Satoshi Tanabe et al.

Serial No.

10/593,994

Filed

September 22, 2006

For

FLEA CONTROL AGENT CONTAINING N-SUBSTITUTED INDOLE

**DERIVATIVE** 

Examiner

Klinkel, Kortney L.

Art Unit

1611

Confirmation

No.

3238

Customer No.:

42754

Attorney

Docket No.

442P105

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## NOTICE OF APPEAL FROM THE EXAMINER TO THE **BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated January 22, 2009; wherein the Examiner finally rejected claims 1 and 4-9.

A check in the amount of \$540.00 is enclosed herewith for payment of the appeal fee.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 14-0930.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 21, 2009

Signature: Kevin S. Lemack

Date: April 21, 2009

Respectfully submitted,

04/24/2009 NNGUYEN1 00000028 10593994

Kevin S. Lomack 401

540.00 OP

Agent for Applicants Registration No. 32,579

Nields, Lemack & Frame, LLC

176 E. Main Street Westboro, MA 01581 TEL: (508) 898-1818